

# **DETECTIVE JOHN BLACK**

## **JAILED IN BIRMINGHAM**

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Such Is Unofficial  
Report Re-

ceived by Chief  
Beavers,

Is Accused of  
Fighting

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Unofficial reports received by Chief of Police, James L. Beavers, Thursday morning from Birmingham, Ala., confirm, it is

said, telegraphic dispatches from that city to the effect that Detective John Black, of the Atlanta department, had been arrested there with J. F. Hargrove, also of Atlanta, following a fight between the two in the Exchange hotel Wednesday night. The charge, that of disturbing the peace, will be aired in the recorder's court Thursday afternoon.

According to the reports from the Alabama city, the arrest was made at the insistence of the hotel management, who summoned officers to quell the disturbance in a room occupied by the two men. On entering, the officers are reported as having found Black and Hargrove scrapping on the floor. The latter's face was badly bruised and the Atlanta sleuth also showed evidences of the fight, the report goes.

Black declined to make a statement when taken to the city hall, but Hargrove was less reticent in discussing the reported disturbance. He is said to have admitted being under \$100 bond on the charge of selling cocaine in Atlanta and intended returning there. In Birmingham he met Black, who placed him under arrest, but was later released. They both went to the hotel he said, where the trouble occurred. Black had gone to Birmingham to get Hargrove who, Chief of Detectives Lanford declared, was resisting extradition.

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# **DATE FOR FRANK'S NEW TRIAL HEARING**

# **TO BE POSTPONED**

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Convicted Man Will Not  
Hang

This Year, as Motion  
for

New Trial Will Be Put  
Off

From October 4 to  
December

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**JUDGE HILL AND NOT**

# JUDGE ROAN WILL ACT

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Crowded Conditions of  
Solic-

itor's Work and  
Rosser's

Plea for More Time to  
Get

Motion Ready, Cause  
Delay

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That Leo M. Frank's motion for a new trial will not be heard until December, and that then the judge to grant or deny the famous prisoner another hearing will be Judge Benjamin H. Hill instead of Judge L. S. Roan, the trial judge, are two important factors in the case which became public Thursday.

Attorney Luther Z. Rosser, leading counsel for Frank, has been working untiringly on the case, preparing his motion, but it is said that the document will not be concluded possibly until only a short time before the date set for the hearing of the motion, October 4.

After he has been duly served with the defense's motion Solicitor Dorsey will require at least a month to complete his answer.

The congested condition of the criminal docket makes it certain that the solicitor will be in court constantly during the month of October, and will have little opportunity of working on any except the cases which are brought before the court daily. The number of jail felony cases now pending breaks all records and it is essential that the solicitor devote his time to clearing the jail just as soon as he can secure a judge to preside in the criminal division. This will be October 1, when Judge Hill leaves his place as chief justice of the court of appeals and commences his work as a judge of the superior court of Fulton county.

Judge Roan on October 1 becomes a judge of the court of appeals, and as such he will not hear, it is authoritatively said, the motion for a new trial for Frank despite the fact that he was the trial judge. The hearing of the motion will automatically fall upon the shoulders of Judge Hill.

Although Attorney Rosser refuses to forecast the probable time of the completion of his motion, attorneys generally state that owing to the voluminous record of the Frank trial, that an attorney would scarcely be expected to complete such a motion in the time that will have elapsed from the end of the Frank trial to the date set for the hearing of the motion. However, regardless of whether or not the defense asks for additional time in preparing the motion it is certain that the solicitor will ask that the hearing be postponed and under the circumstances there is little probability that his plea for additional time will be denied by the court.

# **WILL NOT HANG THIS YEAR.**

A court order will then be issued, staying indefinitely the day of the execution of Frank, which has been set for October 10.

It is possible that the date of the hearing might be set for some time during the latter part of November, but is more probable that it will be extorted from her by the city detectives, given an opportunity to devote his time to the other pressing business of his office.

That the defense will charge that much of the evidence introduced at the trial was procured through the "third degree" is certain. Only Wednesday attorneys for the defense secured from the solicitor the original affidavit made the detectives by Minola McKnight, the Selig cook. It is remembered that the negress repudiated the affidavit made the detectives by Minola McKnight, the Selig cook. It is remembered that the negress repudiated the affidavit on the witness stand, declaring that it was extorted from her by city detectives.

A part of the affidavit, despite the charges of the defense and its repudiation by its maker, was introduced in evidence and this, it is said, the defense will charge was admitted illegally.

The court of appeals only recently in a decision written by Judge Hill, who will be on the superior court bench when the motion is tried declared that testimony secured through the third degree was valueless in a court, and could legally be admitted.

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# ***The Frank Case***

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